IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

CIVIL REVISION APPLICATION NO. 530 OF 2003.

M/s.Kedia Chemical Industries Ltd..... ....

Petitioners.

V/s

VLS Finance Ltd. .... Respondents.

Shri A.H. Punwani for the petitioners (absent).

CORAM: R.M.S. KHANDEPARKAR, J.

9-12-2004

PC:

None present. Perused the record. Petitioners challenge the order rejecting the application for condonation of the delay in lodging the plaint at New Delhi. Undisputedly the Court below by an order dated 24.11.2002 has held that the Court has no jurisdiction to entertain the plaint and therefore the petitioner was directed to take back the plaint for being presented in a Court of competent jurisdiction at New Delhi. The plaintiff was required to collect the plaint on or before 22.12.2000. The petitioner failed to comply with the said order and thereafter filed an application for extension of period. Considering the facts and circumstances in which the application was filed and there being no sufficient cause disclosed for condonation of delay same came to be

dismissed by the impugned order.

2. The court below in its discretion which has been judiciously exercised in the absence of sufficient cause being shown for condonation of delay the application having been rejected there is no jurisdictional error disclosed in the impugned order so as to warrant interference therein in exercise of powers under section 115 of the Code of Civil Procedure. Hence revision application is rejected.